IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 201 OF 2006

IN

SECOND APPEAL NO. 160 OF 2000

Office Notes,Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. V. C. Ghosalkar for the Applicants.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 13TH SEPTEMBER 2006

P.C.:

Heard learned Counsel for the applicants. None appears for the respondents.

2. Learned Counsel for the applicants, submits, that copy of this civil application was given to the advocate Mr. R. R. Salvi, who appears for the respondents, on 4th September, 2006. On the civil application, there is an endorsement showing that the copy of this

application was given to the advocate Mr. R. R. Salvi on 27th September, 2005.

3. It is a case of death of sole appellant, after admission of the appeal. Purshottam Mathur Mehta / appellant, died on 27th November, 2004. The only legal heir, Smt. Wanita Purshottam Mehta, has applied for substitution. In paragraph 5 of the civil application, it is stated that the applicant was not aware of this proceedings pending in this Court and on perception, moved this application for substitution. Delay is thus explained by the applicant in paragraph 5 of the civil application. There is no reply filed on behalf of the respondents refuting the contention raised in the civil application.

4. In this view of the matter, delay occurred in filing application for substitution needs to be condoned.

5. Civil application, accordingly, is allowed in terms of paragraph 11 (a), (b) and (c). Necessary amendments to be carried out within a period of two weeks from today.

6. Civil application, accordingly, is allowed and disposed of in above terms.

Sd/-

(S.B.DESHMUKH, J.)